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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/816,135 | 04/01/2004 | Robert Salerno | DEET/0014 | 9633 |

7590 10/24/2008
WILLIAM B. PATTERSON
MOSER, PATTERSON & SHERIDAN, L.L.P.
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Houston, TX 77056

| EXAMINER |
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SHAW, PELING ANDY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2444 | |

| MAIL DATE | DELIVERY MODE |
|------------|---------------|
| 10/24/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|-----------------|----------------|-------------|
| Office Action Summary (For use in the First Action Interview Pilot Program) | Application No. | Applicant(s) | |
| | 10/816,135 | SALERNO ET AL. | |
| | Examiner | Art Unit | Page 1 of 2 |
| | PELING A. SHAW | 2444 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008 and interview conducted on 23 October 2008.
- 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1-3 and 8-24 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 4) ☐ Claim(s) _____ is/are allowed.
- 5) ☒ Claim(s) 1-3 and 8-24 is/are rejected.
- 6) ☐ Claim(s) _____ is/are objected to.
- 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☒ The drawing(s) filed on 1 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

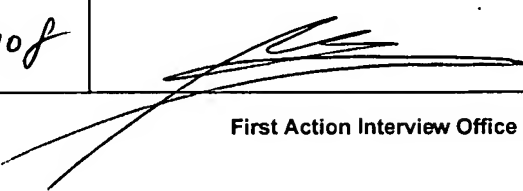
Examiner's Telephone Number: (571)272-7968
 Examiner's Typical Work Schedule: M-F 8:00 - 4:00
 Supervisor's Name: William C. Vaughn
 Supervisor's Telephone Number: (571)272-3922

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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|------------------------------|------------------------------------|--|---------------------------------------|-------------|
| Office Action Summary | Application No. 10816135 | | Applicant(s) SALERNO ET AL. | |
| | Examiner PELING A. SHAW | | Art Unit 2444 | Page 2 of 2 |

| Notification of Rejection(s) and/or Objection(s) | | | | |
|--|------------------------|---------------------------------|------------------------------|--|
| # | Claim(s) | Reference(s) (if applicable) | Rejection Statutory Basis | Brief Explanation of Rejection |
| 1 | 1-3, 8-10 and 12-16 | | 101 | claim 1's limitations are all software per se. It is not conforming 35 U.S.C. 101. |
| 2 | 10 and 23-24 | | 112 1st | Claim 10 recites the limitation of "replicate the mail document without replicating the status" is not found in applicant's original specification or claim set. It is not conforming 1st paragraph of 35 U.S.C. 112. |
| 3 | 1-3, 8-10 and 12-16 | U | 102(b) | Claims 1, 11-12 and 17 (page 8, 2nd and 6th paragraphs, page 14, 4th paragraph: retracting e-mail; page 10, 2nd paragraph and Fig. 3-4: fetch monitor; page 8, 6th paragraph, Fig. 3-4: fetch control; page 9, 4th paragraph: fetcher; |
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| Expanded Discussion/Commentary | | |
|--------------------------------|--|---|
| 2 | | Claims 23 and 24 recite the limitations of "substituting the mail document in the mail database with a replacement mail document or with updated content" and "the replacement mail document is a substantially blank document" are not found in applicant's original specification and claim set. They do not form to 1st paragraph of 35 U.S.C. 112. |
| 3 | | last paragraph on page 8 to 1st paragraph on page 9: retracting based upon; Fig. 4, 2nd paragraph on page 10: reporting; 1st paragraph on page 6: applying policy), claim 2 (page 8, 6th paragraph, Fig. 3-4), claim 3 (Fig. 4, 2nd paragraph on page 10), claims 8-9 (1st and 2nd paragraphs on page 6), claims 10 and 23-24 a (Fig. 3-4, 6th paragraph on page 8, 1st paragraph on page 10, 4th paragraph on page 16), claims 13 and 18 (3rd paragraph on page 13), claims 14 and 19 (last paragraph on page 8 to 1st paragraph on page 9), |
| 3 | | claims 15 and 20 (1st paragraph on page 7), claims 16 and 21 (2nd paragraph on page 16) and claim 22 (3rd paragraph on page 14: expire and recall). |
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| DATE: 10/23/2008 | |  |